

# House File 2307 - Introduced

HOUSE FILE 2307

BY THORUP, GOBBLE, and  
WESTRICH

## A BILL FOR

1 An Act relating to the use of combustible dried raw cannabis  
2 as medical cannabidiol, and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



1 Section 1. Section 124E.2, subsection 10, Code 2022, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 10. "*Medical cannabidiol*" means any species of the genus  
5 cannabis plant, or any mixture or preparation thereof,  
6 including whole plant extracts and resins, that is delivered  
7 by combustion of dried raw cannabis or in a form recommended  
8 by the medical cannabidiol board, approved by the board of  
9 medicine, and adopted by the department pursuant to rule.

10 Sec. 2. Section 124E.9, Code 2022, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 16. A medical cannabidiol dispensary shall  
13 not dispense combustible dried raw cannabis to a patient or the  
14 patient's primary caregiver unless the health care practitioner  
15 who certified the patient to receive a medical cannabidiol  
16 registration card certifies that the patient may receive  
17 combustible dried raw cannabis and the patient is at least  
18 twenty-one years of age. A certification issued pursuant to  
19 this subsection shall include a total tetrahydrocannabinol cap  
20 deemed appropriate by the patient's health care practitioner.  
21 A medical cannabidiol dispensary shall not dispense more than  
22 three ounces of combustible dried raw cannabis in a single  
23 transaction.

24 Sec. 3. Section 124E.12, subsection 4, Code 2022, is amended  
25 to read as follows:

26 4. a. ~~In~~ Except as otherwise provided in subsection 4A,  
27 in a prosecution for the unlawful possession of marijuana  
28 under the laws of this state for the possession of medical  
29 cannabidiol, including but not limited to **chapters 124**  
30 **and 453B**, it is an affirmative and complete defense to  
31 the prosecution that the patient has been diagnosed with a  
32 debilitating medical condition, used or possessed medical  
33 cannabidiol pursuant to a certification by a health care  
34 practitioner as authorized under **this chapter**, and, for a  
35 patient eighteen years of age or older, is in possession of a



1 valid medical cannabidiol registration card issued pursuant to  
2 this chapter.

3     **b.** ~~In~~ Except as otherwise provided in subsection 4A, in a  
4 prosecution for the unlawful possession of marijuana under the  
5 laws of this state for the possession of medical cannabidiol,  
6 including but not limited to [chapters 124](#) and [453B](#), it is an  
7 affirmative and complete defense to the prosecution that the  
8 person possessed medical cannabidiol because the person is a  
9 primary caregiver of a patient who has been diagnosed with a  
10 debilitating medical condition and is in possession of a valid  
11 medical cannabidiol registration card issued pursuant to this  
12 chapter, and where the primary caregiver's possession of the  
13 medical cannabidiol is on behalf of the patient and for the  
14 patient's use only as authorized under [this chapter](#).

15     **c.** ~~If~~ Except as otherwise provided in subsection 4A, if  
16 a patient or primary caregiver is charged with the unlawful  
17 possession of marijuana under the laws of this state for the  
18 possession of medical cannabidiol, including but not limited  
19 to [chapters 124](#) and [453B](#), and is not in possession of the  
20 person's medical cannabidiol registration card, any charge or  
21 charges filed against the person for the possession of medical  
22 cannabidiol shall be dismissed by the court if the person  
23 produces to the court prior to or at the person's trial a  
24 medical cannabidiol registration card issued to that person and  
25 valid at the time the person was charged.

26     Sec. 4. Section 124E.12, Code 2022, is amended by adding the  
27 following new subsection:

28     NEW SUBSECTION. 4A. **a.** In a prosecution for the unlawful  
29 possession of marijuana under the laws of this state for the  
30 possession of medical cannabidiol in the form of combustible  
31 dried raw cannabis, including but not limited to chapters  
32 124 and 453B, it is an affirmative and complete defense to  
33 the prosecution that the patient has been diagnosed with a  
34 debilitating medical condition, used or possessed medical  
35 cannabidiol pursuant to a certification by a health care



1 practitioner as authorized under this chapter, is in possession  
2 of a valid medical cannabidiol registration card issued  
3 pursuant to this chapter, has been certified by the patient's  
4 health care practitioner to use combustible dried raw cannabis,  
5 is at least twenty-one years of age, and possessed no more than  
6 three ounces of combustible dried raw cannabis.

7     *b.* In a prosecution for the unlawful possession of marijuana  
8 under the laws of this state for the possession of medical  
9 cannabidiol in the form of combustible dried raw cannabis,  
10 including but not limited to chapters 124 and 453B, it is an  
11 affirmative and complete defense to the prosecution that the  
12 person possessed medical cannabidiol in the form of combustible  
13 dried raw cannabis because the person is a primary caregiver of  
14 a patient who has been diagnosed with a debilitating medical  
15 condition and is in possession of a valid medical cannabidiol  
16 registration card issued pursuant to this chapter, and where  
17 the primary caregiver's possession of the medical cannabidiol  
18 in the form of combustible dried raw cannabis is on behalf of  
19 the patient, who is at least twenty-one years of age and has  
20 been certified to use combustible dried raw cannabis, and for  
21 the patient's use only as authorized under this chapter.

22     *c.* If a patient or primary caregiver is charged with  
23 the unlawful possession of marijuana under the laws of this  
24 state for the possession of medical cannabidiol in the form  
25 of combustible dried raw cannabis, including but not limited  
26 to chapters 124 and 453B, and is not in possession of the  
27 person's medical cannabidiol registration card, any charge or  
28 charges filed against the person for the possession of medical  
29 cannabidiol in the form of combustible dried raw cannabis shall  
30 be dismissed by the court if the person produces to the court  
31 prior to or at the person's trial all of the following:

32         (1) A medical cannabidiol registration card issued to that  
33 person and valid at the time the person was charged.

34         (2) Proof that the patient has been certified by the  
35 patient's health care practitioner to use medical cannabidiol



1 in the form of combustible dried raw cannabis.

2 Sec. 5. Section 124E.17, Code 2022, is amended to read as  
3 follows:

4 **124E.17 Use of medical cannabidiol — underage smoking**  
5 **prohibited.**

6 A patient under twenty-one years of age shall not purchase,  
7 possess, or consume medical cannabidiol ~~possessed or used as~~  
8 ~~authorized under this chapter by smoking medical cannabidiol in~~  
9 the form of combustible dried raw cannabis.

10 Sec. 6. CONTINGENT EFFECTIVE DATE. This Act takes effect  
11 January 1, 2023, or on the date that the department of public  
12 health determines that laboratories are prepared to perform  
13 required testing on dried raw cannabis, whichever is earlier.  
14 The department of public health shall notify the Code editor  
15 if the department makes the determination described in this  
16 section prior to January 1, 2023.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the use of medical cannabidiol in the  
21 form of combustible dried raw cannabis. The bill changes the  
22 definition of "medical cannabidiol" to include any species  
23 of the genus cannabis plant, or any mixture or preparation  
24 thereof, including whole plant extracts and resins, that is  
25 delivered by combustion of dried raw cannabis or in a form  
26 recommended by the medical cannabidiol board, approved by the  
27 board of medicine, and adopted by the department pursuant  
28 to rule. The bill allows a medical cannabidiol dispensary  
29 to dispense medical cannabidiol in the form of combustible  
30 dried raw cannabis to a patient if the patient's health  
31 care practitioner has certified that the patient may receive  
32 combustible dried raw cannabis and the patient is at least 21  
33 years of age. A certification to receive combustible dried  
34 raw cannabis shall include a total tetrahydrocannabinol cap  
35 deemed appropriate by the patient's health care practitioner.



1 A medical cannabidiol dispensary shall not dispense more  
2 than three ounces of combustible dried cannabis in a single  
3 transaction.

4 The bill adds affirmative defenses against prosecution for  
5 possession of marijuana that is medical cannabidiol in the form  
6 of combustible dried raw cannabis that is possessed by a person  
7 who possesses a valid medical cannabidiol registration card, is  
8 at least 21 years of age, is certified to receive combustible  
9 dried raw cannabis, and possesses no more than three ounces of  
10 combustible dried raw cannabis, and for the primary caregiver  
11 of such a person.

12 The bill prohibits a person under 21 years of age from  
13 purchasing, possessing, or consuming medical cannabidiol in the  
14 form of combustible dried raw cannabis. Current law prohibits  
15 any person from smoking medical cannabidiol.

16 The bill takes effect on January 1, 2023, or on the date that  
17 the department of public health determines that laboratories  
18 are prepared to perform required testing on dried raw cannabis,  
19 whichever is earlier. The department shall notify the Code  
20 editor if the bill takes effect prior to January 1, 2023.